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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,906	10/18/2001	Francois-Xavier Nuttall	46030.00030	5561
34313	7590	07/06/2005	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP			REAGAN, JAMES A	
IP PROSECUTION DEPARTMENT			ART UNIT	PAPER NUMBER
4 PARK PLAZA			3621	
SUITE 1600				
IRVINE, CA 92614-2558			DATE MAILED: 07/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/041,906	NUTTALL ET AL.
	Examiner	Art Unit
	James A. Reagan	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3,4,6-8,11,12,15-18,23-26,28-30,33,34,37-40,45-47,50-52,55,56,59-65,86 and 87 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)... | Paper No(s)/Mail Date, _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Continuation of Disposition of Claims: Claims pending in the application are 3,4,6-8,11,12,15-18,23-26,28-30,33,34,37-40,45-47,50-52,55,56,59-65,86 and 87.

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment received on 04 May 2005.
2. Claims 3, 4, 6-8, 11, 12, 15-18, 23-26, 28-30, 33, 34, 37-40, 45-47, 50-52, 55, 56, 59-65, 86, and 87 have been amended.
3. Claims 3, 4, 6-8, 11, 12, 15-18, 23-26, 28-30, 33, 34, 37-40, 45-47, 50-52, 55, 56, 59-65, 86, and 87 are currently pending and have been examined.

RESPONSE TO ARGUMENTS

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 6-8, 11, 12, 15-18, 23-26, 28-30, 33, 34, 37-40, 45-47, 50-52, 55, 56, 59-65, 86, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (US 6,385,596 B1) in view of Clawson (US 6,112,304 A), and further in view of Stefik (US 5,715,403 A).

Claims 3, 4, 25, 26, and 47:

Wiser discloses an online music distribution system, permits in the form of authorizations, tokens, and PKI, as well as delivering the digital file (column 4, lines 13-28). Wiser does not specifically disclose tuples, reports, or firewalls. Clawson, however, does disclose tuples (column 12, lines 50-54), generating reports (column 16, lines 31-41), and a standard firewall (column 18, lines 33-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wiser with Clawson because distributed computing is made widely available at lower prices, and the most cost-effective approach to many problems may involve harnessing many connected processors together into one large system. Some computing problems, such as tracking retail sales and inventory, improve reliability, since the failure of a single processor in a distributed system will not necessarily bring all work on a given problem to a halt. See Clawson, column 1, lines 13-23.

The combination of Wiser/Clawson does not specifically disclose the limitation of each *protected transfer comprises a step for receiving a respective request and a step for delivering per the request, receiving being performed by a respective receiving system linked by a respective network link to a respective delivering system, receiving being performed independently of the delivering system, delivering being performed by the respective delivering system in response to, and otherwise independently of, the receiving system and without identifying the delivering system.* Stefik however, in at least column 4, lines 40-40 discloses transfer of digital works between online repositories in a networked computing environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wiser/Clawson with Stefik because Stefik introduces an existing system for transferring digital files consistent with the scope and intent of Wiser/Clawson.

Claims 16, 23, 24, 38, 45, 46 51, 60, 63, and 64:

Applicants' step of conveying a permit from a source reads on the content manager conveying the media voucher in response to a request to purchase content (digital media), and

Applicants' step for conveying a portion of a data product reads on the delivery server (second provided process) conveying the purchased content to the consumer and column 9, lines 56 - 67.

Claims 6, 28 and 50:

Applicants' multiple subsystem facility reads on figure 1 B.

Claims 7 and 29:

Stefik discloses delivery of digital content without disclosing a firewall.

Claims 8, 15, 30, 37, 52, and 59:

Applicants' first subsystem reads on the content manager, and Applicants' second subsystem reads on the delivery server. The public network is the Internet.

Claims 11, 33 and 55:

The language of Applicants' claim 11 reads on columns 18 - 19, lines 66 - 67 and 1-10, respectively.

Claims 12, 34, and 56:

Applicants' second request reads on the voucher ID.

Claims 16, 23, 24, 38, 45, 46 51, 60, 63, and 64:

Applicants' step of conveying a permit from a source reads on the content manager conveying the media voucher in response to a request to purchase content (digital media), and Applicants' step for conveying a portion of a data product reads on the delivery server (second provided process) conveying the purchased content to the consumer and column 9, lines 56 - 67.

Claims 17, 18, 39, 40, 61 and 62:

Wiser et al disclose both downloading and streaming the media data.

Claims 86 and 87:

With regard to the limitations of:

- *a step for conveying electronic digital data in a first transfer to deliver a permit; and*
- *a step for conveying electronic digital data in a second transfer to deliver a product;*

See the rejections of claims 3, 25, and 47 above.

With regard to the limitations of:

- *a step for receiving a plurality of reports comprising reports transmitted in response to requests for permits and reports transmitted in response to attempted accesses of products; and*
- *a step for identifying, as indicated by a set of reports of the plurality, at least one of incomplete transactions and events that indicate unauthorized attempted access, wherein each complete transaction comprises delivery of a product specified in a delivered permit;*

Stefik discloses a reporting function in at least Figures 89 and 19 as well as associated text. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wiser/Clawson with Stefik because Stefik introduces an existing system for transferring digital files consistent with the scope and intent of Wiser/Clawson.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

703.305.7687 [Official communications, After Final communications labeled "Box AF"]

703.308.1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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JAR

30 June 2005

